

**5679. Misbranding of "Floto's Essence Coffee." U. S. \* \* \* v. Theodore D. Floto (George Floto's Sons). Plea of guilty. Fine, \$10. (F. & D. No. 7655. I. S. No. 1284-1.)**

On May 15, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theodore D. Floto, trading as George Floto's Sons, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 7, 1915, from the State of New York into the State of Pennsylvania, of a quantity of an article labeled in part, "Floto's Essence Coffee," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Caffeine, U. S. P. test: None.

Ash (per cent)----- 5.61

Reducing substances, acid inversion (per cent)----- 37.8

Odor of caramel.

Bitter, burned taste.

Microscopic examination indicated the presence of some starch and some dextrin. Starch grains and vegetable fiber could not be identified.

This product is a mixture of roasted cereal and sugar or molasses.

Misbranding of the article was alleged in substance in the information for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing in conspicuous type on the label, to wit, "Floto's Essence Coffee," not corrected by the statement in insignificant type on the label, "to use with," was false and misleading in that it indicated to purchasers thereof that the article was essence of coffee, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was essence of coffee, when, in truth and in fact, it was not, but was, to wit, a mixture of caramel and vegetable tissues other than coffee. Misbranding was alleged for the further reason that the statements regarding the article and the ingredients and substances contained therein appearing on the label, to wit, "This essence is to be used with pure coffee. It will give the coffee a beautiful color, make it stronger, and will require only half the usual quantity. \* \* \* To make half a gallon of strong coffee, take one tablespoonful of ground coffee and half-teaspoonful of Essence \* \* \* for strong coffee take more essence," were false and misleading in that they indicated to purchasers thereof that the article when used according to directions would make coffee stronger and reduce the usual quantity of coffee required, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article when used according to directions would make coffee stronger and reduce the usual quantity of coffee required, when, in truth and in fact, the article when used according to directions, or when used in any other manner, would not make coffee stronger and would not reduce the usual quantity of coffee required.

On June 25, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*